

In the City Council,
City of Lodi,
Lodi, California

ORDINANCE NO. 415

GRANTING TO MEHRER & SON, A CO-PARTNERSHIP, A FRANCHISE TO ESTABLISH, AND, FOR A PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE AND CONTINUING FOR A PERIOD OF TEN (10) CALENDAR YEARS THEREAFTER, TO CONDUCT, MAINTAIN AND OPERATE ON REGULAR SCHEDULES, INTRA-MUNICIPAL MOTOR BUS LINES FOR THE TRANSPORTATION OF PASSENGERS AND THEIR HAND BAGGAGE FOR HIRE, WHOLLY WITHIN THE CITY OF LODI, CALIFORNIA, OVER, UPON AND ALONG THE STREETS, HIGHWAYS, ALLEYS, BOULEVARDS, AVENUES, ROADS AND OTHER PUBLIC PLACES HEREINAFTER PRESCRIBED AND FIXING THE COMPENSATION AND SPECIFYING THE TERMS AND CONDITIONS OF SAID FRANCHISE.

The City Council of the City of Lodi does ordain as follows:

Section 1. There is hereby granted to MEHRER AND SON, a co-partnership, consisting of Andrew Mehrer and Reuben Mehrer, hereinafter referred to as the Grantee, a franchise to establish, and for a period commencing with the effective date of this ordinance and continuing for ten (10) calendar years thereafter, to conduct, maintain and operate, on regular schedules, intra-municipal bus lines for the transportation of passengers and their hand baggage, for hire, wholly within the City of Lodi, over, upon and along streets, highways, alleys, boulevards, avenues, roads and other public places therein, subject however to all the covenants, restrictions and limitations elsewhere contained in this ordinance.

Section 2. The operation of said motor bus lines shall be over such streets, highways, alleys, boulevards, avenues, roads and other public places in the City of Lodi now existing or that may be added thereto by annexation, as may be fixed and established from time to time by order of the City Council of said City, under and upon reasonable terms, regulations and notice to said Grantee.

Section 3. The Grantee shall pay to the City of Lodi two percentum (2%) of the gross annual receipts arising from his use, occupation and possession of this franchise, provided, however, that no percentage shall be paid for the first five (5) years succeeding the effective date of this franchise, but thereafter such percentage shall be paid annually.

Section 4. The complete operation of all motor bus lines in full accordance with this franchise shall commence at the hour of six o'clock a.m. of the day upon which this franchise becomes effective.

Section 5. The operation under this franchise shall be commenced with not less than two (2) motor busses. Thereafter, the amount of equipment and the number of busses, giving due consideration to their individual seating capacity, shall be at all times sufficient to provide reasonably for all traffic offered and to maintain the prescribed schedules and to keep the service at the highest practicable standard of efficiency. Additional busses shall be added, from time to time, as may be reasonably necessary, at the discretion and upon the order of the City Council, after reasonable notice to the Grantee. All equipment shall be subject to constant inspection by said City Council and shall be kept in the highest practicable working order by the Grantee at all times. All equipment that may become unserviceable, unsafe or inadequate shall be retired from regular service upon the order of the City Council determining such unsafe condition or such inadequacy or unserviceability.

Section 6. The fare, one way, over any of the routes and lines established under this franchise, and any and all extensions, alterations, amendments, re-routings or additions thereto, within the limits of the City of Lodi as said City limits exist at the effective date of this franchise, shall not be more than fifteen (15) cents, the same to be fixed from time to time by order of the City Council. Children under five years of age, not occupying seats, shall be carried free of charge. Grantee shall issue no passes nor transport any persons free of charge without presentation of a valid pass issued by the Grantee upon request of the City Council. Commutation tickets may be issued to persons making twenty or more trips per month, school children and letter carriers under such regulations as the City Council may prescribe.

Section 7. All schedules under which motor busses are operated shall be approved by the City Council on recommendation of the City Manager and shall be written or printed and copies thereof filed with the City Manager. Grantee shall operate his busses in accordance with such approved schedules, over the whole length of each route and at such hours as may be reasonably necessary to accommodate the traffic offered, except that such schedules may not be effective in case of flood, storm, riot, strikes or other causes beyond Grantee's control.

Section 8. In the event that any public way traversed by the bus lines herein may be closed or impassible, motor busses shall take detours by using the nearest traversible street for the shortest possible distance.

Section 9. Before the operation of any motor bus under this franchise, Grantee shall acquire a policy of insurance issued by a company authorized to do an insurance business in California wherein said insurance company promises and agrees to pay in full all proven claims for damages to persons or property arising out

of the operations of Grantee under this franchise. The maximum amount for which such liability shall be assumed for injury or death of one person in any one accident shall be at least Twenty-five Thousand Dollars (\$25,000) and injury or death of more than one person in any one accident shall be Fifty Thousand Dollars (\$50,000) and the maximum amount of the liability to be assumed for injury or destruction to property in any one accident shall be at least Five Thousand Dollars (\$5,000). Said policy of insurance shall be kept in full force at all times during the life of this franchise and a certified copy thereof filed with the City Clerk. Said policy of insurance shall be approved by the Mayor as to sufficiency and by the City Attorney as to form.

Section 10. Grantee shall not sell, lease, assign or transfer any of the rights or privileges granted by this franchise unless such sale, lease, assignment or transfer shall have been approved by resolution of the City Council.

Section 11. Should Grantee be adjudicated a bankrupt or become insolvent or seek the benefits of any act of Congress or the State Legislature now or hereafter in effect, during the term of this franchise, for the financial relief of debtors, the City Council may, in its discretion, immediately terminate all the rights granted by this franchise upon ten days notice of such election served upon Grantee personally or by registered mail.

Section 12. Grantee shall indemnify and save free and harmless the City of Lodi, its officers and employees, from and against all damages, judgments, decrees, costs and expenditures which it or they may suffer or which may be recovered from or obtained against them during the term of this franchise for or by reason of wrongful acts done by said Grantee or arising from the exercise of any of the rights granted hereby by Grantee, his servants or agents. Any violation of terms of this franchise, may, in the discretion of the City Council, in addition to any penalty imposed herein, entail the forfeiture of this franchise.

Section 13. Grantee shall file a bond running to the City of Lodi with at least two good and sufficient sureties or by a State licensed insurance company, in the penal sum of Two Thousand Dollars (\$2,000), conditioned that said Grantee shall well and truly observe, perform and fulfill each and every term and condition of this franchise and that in case of any breach thereof, the whole amount of the penal sum therein named shall be taken by said City and deemed to be liquidated damages and shall be recoverable from the principal and surety or sureties upon such bond. On such forfeiture or on commencement of any action by the City to forfeit said bond, Grantee shall immediately file a new bond in a similar amount to that forfeited or claimed forfeited and conditioned as in the original bond. The bond mentioned in this section, shall, when approved by the Mayor and by the City Attorney, be filed with the City Clerk of this City.

Section 14. Should Grantee desire to surrender this franchise, he shall give the City at least sixty (60) days written notice, delivered personally to the City Manager for transmission to the City Council for such action thereon as said City Council may deem necessary in the public interest.

Section 15. This ordinance shall be published one time in The Lodi Times, a weekly newspaper of general circulation, printed and published in the City of Lodi, within fifteen days from its passage and shall be in force and take effect in the manner and at the time herein and by law provided.

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APPROVED this 3rd day of May 1950.

H. J. TOLLIVER

MAYOR

Attest:

J. F. BLAKELY

City Clerk

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN,
CITY OF LODI. ss.

I, J. F. BLAKELY, City Clerk of the City of Lodi, do hereby certify that the foregoing Ordinance No. 415 was regularly introduced in the City Council of said City in regular meeting held April 19, 1950, and was thereafter passed, adopted and ordered to print at a regular meeting of said City Council held May 3rd 1950 by the following vote:

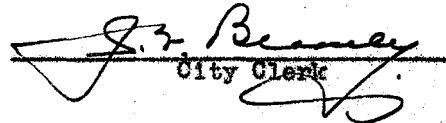
AYES: Councilmen, BULL, HASKELL, PRESZLER, RINN AND TOLLIVER

NOES: Councilmen, NONE

ABSENT: Councilmen, NONE

I FURTHER CERTIFY that Ordinance No. 415 was approved and signed by the Mayor on the date of its final passage and that the same has been published according to law.

WITNESS my hand and the seal of the City of Lodi this
5th day of May 1950.


City Clerk